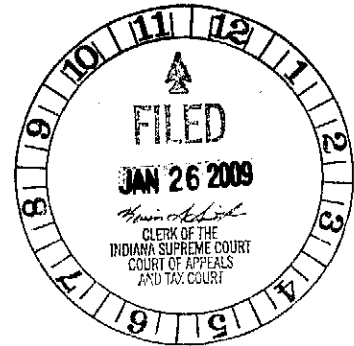


**In the
Supreme Court of Indiana**



IN THE MATTER OF

THE HONORABLE

THOMAS J. FELTS

JUDGE IN THE

ALLEN CIRCUIT COURT

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Cause No. 02S00-0901-JD-26

NOTICE OF THE INSTITUTION OF FORMAL PROCEEDINGS

AND

STATEMENT OF CHARGES

The Indiana Commission on Judicial Qualifications, having found probable cause to warrant formal charges of judicial misconduct, now notifies the Honorable Thomas J. Felts of the filing of these Charges. These Charges are brought under Admission and Discipline Rule 25 and before the Indiana Supreme Court, which, pursuant to Article 7, § 4 of the Constitution of Indiana, has original jurisdiction over the discipline, suspension, and removal of all judges and judicial officers of this State. The Commission charges that Judge Felts, while in office as Judge in the Allen Circuit Court and while a member of the Indiana Bar, engaged in judicial misconduct as specifically charged below. Pursuant to Admission and Discipline Rule 25 VIII F, Judge Felts may file a written Answer to these

Charges within twenty days of service.

BACKGROUND

1. On Friday, July 18, 2008, Judge Felts was arrested and subsequently charged in the Marion Superior Court with Operating a Motor Vehicle with an alcohol concentration equivalent (ACE) of at least .15, a Class A Misdemeanor, and with Public Intoxication, a Class B misdemeanor.
2. On August 21, 2008, Judge Felts appeared before Judge William J. Nelson, Marion Superior Court, Criminal Division # 7, and entered a plea of guilty to the Class A Misdemeanor of Operating a Motor Vehicle with an ACE of at least .15. The State filed a motion to dismiss the remaining charge.
3. On August 21, 2008, Judge Nelson entered a judgment of conviction against Judge Felts for Operating a Vehicle with an ACE of at least .15. Judge Nelson sentenced Judge Felts to one year in the Marion County Jail, which sentence was suspended but for one day Judge Felts had served in jail. Judge Nelson ordered Judge Felts to serve a one-year probationary term, and accepted the additional terms of the plea agreement, including a ninety-day driver's license suspension, alcohol treatment with a private provider, attendance at a panel presentation by Advocates Against Impaired Driving, Inc., and payment of fines, costs, and fees totaling \$705.50.

COMMISSION CHARGES

Count I

Incorporating the facts set out above, the Commission charges that Judge Felts violated Canon 1A of the Code of Judicial Conduct, which requires judges and judicial officers to uphold the integrity of the judiciary and to maintain high standards of conduct.

Count II

Incorporating the facts set out above, the Commission charges that Judge Felts violated Canon

2A of the Code of Judicial Conduct, which requires judges and judicial officers to avoid impropriety at all times, to respect and comply with the law, and to act at all times in a manner promoting the public's confidence in the integrity of the judiciary.

WHEREFORE, the Commission respectfully requests that, upon the filing of Judge Felts' Answer, the Indiana Supreme Court appoint three Masters to conduct a public hearing on the charge that Judge Felts committed judicial misconduct as alleged, and further prays that the Supreme Court find that Judge Felts committed misconduct and that it impose upon him the appropriate sanction.

Respectfully submitted,

January 26, 2009
DATE

Adrienne L. Meiring
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CERTIFICATE OF SERVICE

I certify that a copy of this "Notice of the Institution of Formal Proceedings and Statement of Charges" was sent by first class United States mail, postage pre-paid, to Judge Felts' lawyer, Mr. J. Frank Kimbrough, 803 S. Calhoun Street, Suite 400, Fort Wayne, Indiana 46802 on this 26 day of January, 2009.

January 26, 2009
DATE

Adrienne L. Meiring
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Staff Attorney

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